



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



June 14, 2001

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Eric Crainich, Vice President of Operations  
Design Standards Corporation  
P.O. Box 1620  
Charlestown, New Hampshire 03603

RE: Design Standards Corporation  
Charlestown, NH  
EPA ID No. NHD982769473

Dear Mr. Crainich:

Enclosed is Administrative Order No. WMD 01-08 issued this date to Design Standards Corporation, Charlestown, New Hampshire, as a result of inspections conducted on March 16, 2000, and April 6, 2001.


An Administrative Order (hereinafter "AO") is a formal enforcement action that serves to introduce the statute, identify the parties, document facts, determine violations, order compliance within specific time periods, and provide notice of the right of appeal.

Although the enclosed AO is very explicit on what your violations are and what must happen to fix them, we have enclosed a copy of the completed RCRA inspection checklist which further documents the compliance status of your facility at the time of the inspection.

As a service to New Hampshire's hazardous waste generators, we currently maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff members are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this AO, please contact the inspector, Tim Prospert, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues, should be directed to Sharon Ducharme of DES's Water Division at 271-2457, and on air related issues, to Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9770 8061

cc: DB/RCRA/ORDER

Gretchen Rule, Enforcement Coordinator, DES  
Public Information Coordinator, DES  
George Carlson, DES-WD  
Sewer Department, Selectmen's Office, P.O. Box 385, Charlestown  
Town Clerk, Town of Charlestown, NH  
Michael Walls, Esq., NHDOJ-OAG

e-mail: John J. Duclos, WMD; Sharon Ducharme, WD; Pam Monroe, ARD

Enclosure



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Design Standards Corporation

P.O. Box 1620

Charlestown, NH 03603

RE: Design Standards Corporation

Charlestown, NH

EPA ID No. NHD982769473

**ADMINISTRATIVE ORDER**

**NO. WMD 01-08**

**June 14, 2001**

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Design Standards Corporation, pursuant to RSA 147-A:14. This Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, NH 03301.
2. Design Standards Corporation ("Design Standards") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on August 26, 1988. Design Standards has a mailing address of P.O. Box 1620, Charlestown, NH.

**C. STATEMENT OF FACTS AND LAW**

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1000 ("Hazardous Waste Rules") to implement this program.
2. Design Standards is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES as a generator and marketer of "waste oil for recycle" on March 20, 1996. EPA Identification Number NHD982769473 was assigned to Design Standards' site at 182 Ceda Road, Charlestown, NH (the "Facility").

3. On March 16, 2000, and April 6, 2001, DES conducted inspections (collectively, "the Inspection") of the Facility. The purpose of the Inspection was to determine Design Standards' compliance status relative to RSA 147-A and the Hazardous Waste Rules.
4. At the time of the Inspection, DES documented the following hazardous waste storage area:
  - a. Vibratory Polish Area.
5. At the time of the Inspection, DES documented that Design Standards generates at least eight (8) waste streams from its processes. These waste streams are as follows:
  - a. waste water treatment sludge;
  - b. grinding dust collected in the "TORIT" dust collector;
  - c. used oil managed as hazardous waste (NH01);
  - d. aqueous-based machining coolants;
  - e. waste water from the vibratory polish process;
  - f. waste water from the mechanical galvanizing process;
  - g. rinse water from the passivation operations; and
  - h. rinse water from the electropolish operation.
6. At the time of the Inspection, Eric Crainich, Vice President of Operations at Design Standards, and Tom Carignan, Engineering Manager at Design Standards, stated that rinse water from passivation and electropolish operations were batch neutralized and discharged directly to the Charlestown Publicly Owned Treatment Works (POTW).
7. At the time of the Inspection, DES observed that the rinse water batches from the passivation and electropolish lines combined comprised approximately 200 gallons. Mr. Carignan stated that each batch was discharged roughly once per week, that Design Standards began operating one passivation line one year prior to the Inspection and the electropolish line two years prior to the Inspection, and that a second small-scale passivation line has generated 5 gallons per month for eleven years prior to the Inspection. This resulted in an estimated discharge of 16,260 gallons of rinse water prior to the Inspection.
8. Env-Wm 403.06 specifies that a waste is a characteristic hazardous waste with the waste number of D007, if, using the Toxicity Characteristic Leaching Procedure (TCLP), the extract of a representative sample of the waste contains chromium at a concentration  $\geq 5$  milligrams/liter (mg/L).
9. TCLP analyses provided by Design Standards indicate that the rinse water from the passivation and electropolish operations contains chromium at a concentration of 7.1 mg/L.
10. The rinse water from the passivation and electropolish operations is a regulated hazardous waste with the waste number of D007.
11. Discharge of the D007 rinsewater from the electropolish and passivation operations to the POTW is a form of disposal which would require a hazardous waste facility permit.

12. RSA 147-A:4, I, requires any person operating a hazardous waste facility to first obtain a permit from DES.
13. Env-Wm 353.01 specifies that an operator can obtain a hazardous waste disposal permit through DES provided the conditions specified in Env-Wm 353 are met.
14. DES has no record of receiving a hazardous waste disposal permit application from Design Standards to discharge the hazardous waste passivation and electropolish rinse waters into the POTW, and no such permit has been issued.
15. Design Standards has been disposing of the hazardous waste passivation and electropolish rinse waters to the POTW without a hazardous waste disposal permit.
16. At the time of the Inspection, Lance Davis, an operator at Design Standards, stated that waste waters from the vibratory polish process were treated by neutralization and metals precipitation prior to discharge to the Charlestown POTW. Design Standards has a permit from the POTW for final discharge of this effluent.
17. Env-Wm 403.04 specifies that a waste is a characteristic hazardous waste with the waste number of D002 if a representative sample of an aqueous waste has a pH of  $\leq 2.0$ .
18. TCLP analyses provided by Design Standards indicate that the waste water from the vibratory polish process contains chromium at a concentration of 44 mg/L. Additional analysis indicates that this waste has a pH of 1.9.
19. The waste water from the vibratory polish process is a regulated hazardous waste with the waste numbers of D002 and D007.
20. The treatment of the vibratory polish waste water by the Facility would require the Facility to obtain a limited permit.
21. DES has no record of receiving a hazardous waste limited permit application from Design Standards to treat the hazardous waste water at the Facility and no such permit has been issued.
22. Design Standards has been treating the hazardous vibratory polish waste water at the Facility without a limited permit.
23. Env-Wm 502.01 requires a generator of a waste to determine if the waste is a hazardous waste.
24. At the time of the Inspection, DES learned that several waste streams were being managed as non-hazardous wastes without adequate analyses. Specifically, the waste water treatment sludge, waste water from the vibratory polish process, grinding dust, aqueous-based machining coolants, and rinse waters from the passivation and electropolish processes had not been tested. Subsequent analyses performed as a result of the Inspection established that the

waste water from the vibratory polish process, rinse water from the passivation process, and rinse water from the electropolish process were hazardous wastes as described in Items C.9. and C.18.

25. Env-Wm 504.02(d) requires generators of hazardous waste to subsequently notify DES of any changes to the information provided in their initial notification form.
26. At the time of the inspection, Design Standards had notified DES as a generator and marketer of NH01 "Waste Oil for Recycle" only. As a result of the Inspection, the following hazardous wastes were identified as generated at the Facility: used oil classified as NH01, vibratory polish waste water, passivation rinse water, and electropolish rinse water.
27. Env-Wm 507.01(a)(3) requires hazardous waste to be placed in containers that are closed at all times except to add or remove waste.
28. At the time of the Inspection, none of the containers documented as storing hazardous waste at the Facility were closed (see the attached container inventory).
29. Env-Wm 507.03(a)(1)a. requires containers to be marked with the beginning accumulation date when they are first used to store hazardous waste.
30. At the time of the Inspection, none of the containers used for the storage of hazardous waste at the Facility were marked with the beginning accumulation date (see the attached container inventory).
31. Env-Wm 507.03(a)(1)b. and d. require containers used for the storage of hazardous waste to be clearly marked with the words "hazardous waste" and the EPA or state waste number.
32. At the time of the Inspection, none of the containers used for the storage of hazardous waste at the Facility were marked with the words "hazardous waste" or the EPA/state waste number (see the attached container inventory).
33. Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements, requires full quantity generators to conduct inspections of the Facility, including the hazardous waste storage areas, and to document the inspections.
34. At the time of the Inspection, Design Standards was not conducting and documenting inspections of the hazardous waste storage areas at the Facility.
35. Env-Wm 509.02(a)(2), which references 40 CFR Part 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program for its employees responsible for handling hazardous waste, and to maintain documentation of the training.
36. At the time of the Inspection, Design Standards was not training an employee responsible for handling hazardous waste. Specifically, documentation of hazardous waste training in 1999 was not provided for Daryl Howe, operator of the electropolish and passivation operations.

37. Env-Wm 509.02(a)(5), which references 40 CFR Part 265, Subpart D, Contingency Plan and Emergency Procedures, requires full quantity generators to maintain a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

38. At the time of the Inspection, Design Standards did not have a formal contingency plan. A standard operating procedure titled "Emergency Chemical Spill Response" was available, which addressed a portion of the requirements of a contingency plan.

39. Env-Wm 509.02(b)(3) requires a list of the steps to take in the event of an emergency and emergency numbers to be posted at the telephone nearest to each hazardous waste storage area. This posting must include the location of fire extinguishers and spill control material.

40. At the time of the Inspection, Design Standards did not have emergency phone postings which included the location of fire extinguishers or spill control material located at the telephone nearest to the hazardous waste storage areas.

#### **D. DETERMINATION AND NOTICE OF VIOLATION**

1. Design Standards has violated RSA 147-A:4, I, by failing to obtain a permit for the disposal of hazardous waste into the Charlestown POTW.

2. Design Standards has violated RSA 147-A:4, I, by failing to obtain a permit for the treatment of hazardous waste.

3. Design Standards has violated Env-Wm 502.01 by failing to determine if its wastes are hazardous wastes.

4. Design Standards has violated Env-Wm 504.02(d) by failing to notify DES of changes in its hazardous waste activities.

5. Design Standards has violated Env-Wm 507.01(a)(3) by failing to close all hazardous waste containers except when waste is being added to or removed from the container.

6. Design Standards has violated Env-Wm 507.03(a)(1)a. by failing to mark each hazardous waste container with the beginning accumulation date when they are first used to store hazardous waste.

7. Design Standards has violated Env-Wm 507.03(a)(1)b. and d. by failing to mark each hazardous waste container with the words "hazardous waste", and the EPA or state waste number.

8. Design Standards has violated Env-Wm 509.02(a)(1) by failing to conduct inspections of the Facility, including the hazardous waste storage areas.

9. Design Standards has violated Env-Wm 509.02(a)(2) by failing to adequately train all personnel handling hazardous waste.
10. Design Standards has violated Env-Wm 509.02(a)(5) by failing to maintain a complete contingency plan at the Facility.
11. Design Standards has violated Env-Wm 509.02(b)(3) by failing to post complete emergency information at the telephone nearest to the hazardous waste storage areas.

### **E. ORDER**

Based on the above findings, DES hereby orders Design Standards as follows:

- 1 Cease disposing of hazardous waste passivation and electropolish rinse waters directly to the POTW. **IMMEDIATELY**

These rinse waters must be immediately managed in accordance with Env-Wm 500 and delivered to an off-site authorized facility in compliance with all state and federal requirements.

Design Standards may also apply for a hazardous waste Limited Permit under Env-Wm 353.04 to treat the rinse waters on-site. Design Standards should consider the following issues in the design of its waste water treatment unit:

- a. Since sludge disposal costs are an important consideration, Design Standards may consider testing the electropolish and passivation waste streams separately, given that the sludge generated from the treatment of the electropolish rinse water must be managed as a federally-listed waste (F006), and the sludge generated from the treatment of the passivation rinse water would only be regulated as a characteristic hazardous waste. The significance of this difference is that, under state and federal requirements, any listed hazardous waste continues to be regulated as a listed hazardous waste regardless of initial concentration, subsequent dilution, or mixing with other materials, unless formally de-listed. Contrary to listed wastes, wastes which are hazardous only because they exhibit a characteristic are no longer regulated as hazardous wastes once the hazardous characteristic has been removed.



- b. Install a separate treatment system for the electropolish rinse water. Obtain a DES Limited Permit, and operate the pretreatment system to render the effluent non-hazardous. Dispose of the waste water treatment sludge as a hazardous waste with the waste code of F006. Any waste water discharges to the POTW will need to be approved by the Town of Charlestown and included in the DES Limited Permit.
  - c. Treat the electropolish rinse water in the existing treatment system located in building #2, after receiving an approval from the Town of Charlestown, and the Limited Permit obtained through Item E.2. Please be advised that treatment of the electropolish rinse water would classify all of the sludge generated by the waste water treatment unit as an F006 hazardous waste, whereas Design Standards may currently dispose of this sludge as a non-hazardous waste, based on previous hazardous waste characteristic analyses provided to DES.
  - d. Treat the passivation rinse water in the existing treatment system located in Building #2, after receiving an approval from the Town of Charlestown and the Limited Permit obtained through Item E.2. Discharge any treated effluent in accordance with an approval from the Town of Charlestown, and analyze the sludge for Chromium content. If, using the TCLP, the Chromium exceeds 5 mg/L, dispose of the sludge as a hazardous waste with the waste code of D007.
2. Obtain a permit for the existing Waste Water Treatment Unit which receives waste water from the vibratory polish process. This may be accomplished by complying with the requirements of Env-Wm 353.04, which includes submitting the enclosed New Hampshire limited permit application form to DES. **30 DAYS**
3. Perform hazardous waste determinations as specified in Env-Wm 502.01 on the following wastes generated at the Facility: **COMPLETED**
- a. waste water treatment sludge;
  - b. waste water from the vibratory polish process;
  - c. grinding dust;

- d. aqueous-based machining coolants; and
- e. rinse water from the passivation and electropolish processes.

Submit the results along with any supporting data used to make the hazardous waste determination to DES. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1000.

*\*Note: As part of the Inspection, analyses have been performed on the waste streams listed above. Design Standards is also advised to test its used oil. If the results of this testing indicates that the used oil meets the standards of "Used Oil for Recycle", Design Standards may forego the NH01 classification, and manage it under the less stringent regulations of Env-Wm 807.*

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|--|--|------------------|
| 4  | Complete and submit to DES the enclosed notification form, which must reflect the current status of Design Standard's hazardous waste activities.  | <b>10 DAYS</b>   |
| <br>   |  |                  |
| 5.   | Ensure that hazardous waste containers are properly sealed, and bungs or lids are closed except when wastes are actually being added to or removed from the container as specified in Env-Wm 507.01(a)(3). | <b>COMPLETED</b> |
| <br>   |  |                  |
| <i>*Note: In correspondence dated June 29, 2000, Design Standards stated that this item had been addressed, and the requirement was reviewed with the responsible personnel.</i> |  |                  |
| <br>   |  |                  |
| 6.   | Ensure that all hazardous waste containers are clearly marked with the beginning date of accumulation, as specified in Env-Wm 507.03(a)(1)a.   | <b>COMPLETED</b> |
| <br>   |  |                  |
| <i>*Note: In correspondence dated June 29, 2000, Design Standards stated that this item had been corrected and the requirement was reviewed with the responsible personnel.</i>  |  |                  |
| <br>   |  |                  |
| 7  | Ensure that all hazardous waste containers are clearly marked with the words "hazardous waste" and the EPA or state waste number, as specified in Env-Wm 507.03(a)(1)b and d.                              | <b>COMPLETED</b> |

*\*Note: In correspondence dated June 29, 2000, Design Standards stated that this item had been addressed and the requirement was reviewed with the responsible personnel.*

8. Develop and implement a general inspection program, as specified in Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements. This program must provide for, at a minimum, weekly inspections of areas where hazardous wastes are stored. **30 DAYS**
9. Develop and maintain a personnel training program as specified in Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training. **60 DAYS**
- a. Ensure that all personnel handling hazardous waste receive annual updates of their training [40 CFR 265.16(c)]
  - b. Ensure that the following documents and records are maintained at the Facility:
    - 1 Job title for each position at the Facility related to hazardous waste management, and the name of the employee filling each job;
    - 2. A written job description, including requisite skills, education and duties, for positions with hazardous waste management duties;
    - 3 A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position with hazardous waste management duties; and,
    - 4. Documentation that training has been completed.
10. Prepare and maintain a current site specific contingency plan as specified in Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, Contingency Plan and Emergency Procedures, including, but not limited to: **60 DAYS**
- a. Describing the actions Facility personnel must take to adequately respond to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste [40 CFR 265.52(a)].
  - b. Listing the arrangements with local police departments, fire departments, hospitals, contractors, and state and local response teams [40 CFR 265.52(c)].

- c. Listing names, addresses, and phone numbers of primary and alternate emergency coordinators [40 CFR 265.52(d)].
  - d. Listing all emergency equipment at the Facility, including the location, physical description, and capabilities of each item [40 CFR 265.52(e)].
  - e. Describing an evacuation plan for Facility personnel including the signal to begin evacuation and primary and alternate evacuation routes [40 CFR 265.52(f)].
  - f. Submitting copies of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services [40 CFR 265.53].
11. Ensure that a list of the steps to take in the event of an emergency are posted at the telephone nearest to each hazardous waste storage area, as specified in Env-Wm 509.02(b)(3). This posting must include the location of fire extinguishers and spill control equipment. **IMMEDIATELY**
12. Submit a written status report to DES within thirty-five (35) calendar days, and a second report within sixty-five (65) calendar days of receipt of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed.

Please address submittals, **other than appeals**, to:

Kenneth W. Marschner, Administrator  
DES, WMD  
6 Hazen Drive  
Concord, New Hampshire 03301

#### **F. APPEAL**


Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Design Standards of the obligation to comply with the Order.

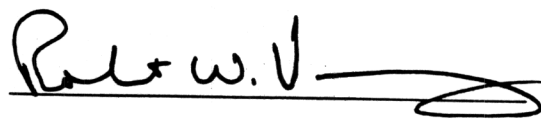
**G. OTHER PROVISIONS**

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of Design Standards to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations will result in additional enforcement action being taken. Design Standards is required to maintain compliance with all on-going requirements, including those identified as being "COMPLETED" in Section E of the Order.

Design Standards may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to Design Standards.

  
Philip J. O'Brien, Ph.D., Director  
Waste Management Division  
Department of Environmental Services

  
Robert W. Varney, Commissioner  
Department of Environmental Services

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DB/RCRA/ORDER/ARCHIVE  
Gretchen Rule, Enforcement Coordinator, DES  
Public Information Coordinator, DES  
Michael Walls, Esq., NHDOJ  
Town of Charlestown, Sewer Department, c/o Selectmen's Office, P.O. Box 385  
Town Clerk, Charlestown, NH

e-mail: Sharon Ducharme, WD; Pam Monroe, ARD; George Carlson, WD

enclosure: Hazardous Waste Inspection Checklist with Container Inventory  
Sample Hazardous Waste Inspection Schedule/Log  
Sample Contingency Plan Outline  
Suggested Outline for Personnel Training Records  
Limited Permit Application